

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:14-cv-00272-FDW-DSC**

**ELISHEVIA GRAHAM,**

**Plaintiff,**

**vs.**

**PAPA JOHN'S USA, INC. and PAPA  
JOHN'S STORE #1580 8016-B  
CAMBRIDGE COMMONS DRIVE,  
CHARLOTTE, NORTH CAROLINA  
28215,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on Defendants' Motion to Dismiss and, in the alternative, Motion to Strike ("Defendants' First Motion") pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure filed May 27, 2014. (Doc. No. 4). Defendants' re-filed the First Motion as two separate motions, (Docs. Nos. 5, 6), May 29, 2014. In light of the motions' re-filing after assignment to the undersigned, Defendants' First Motion is MOOT. This ruling is without prejudice to the re-filed motions. (Docs. Nos. 5, 6). Accordingly, Defendants' First Motion (Doc. No. 4), is DENIED as MOOT. The Clerk of Court is respectfully DIRECTED to TERMINATE Defendants' First Motion (Doc. No. 4).

**IT IS SO ORDERED.**

Signed: May 30, 2014



Frank D. Whitney  
Chief United States District Judge

